Communiqué

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PRESIDENT'S REPORT

Timothy J.P. Killeen
President

I'm just finishing my term as President and wanted to thank a few of the peopl who made this such a pleasant and rewarding task. The only thing that could have made this year better was if it had been eight months long. After that tim the combination of this and my practice became a bit much. It reminded me of when I was elected Vice President and Sandy and Wanda took me to lunch to see if they could figure out how to get me out of this.

It was great working with Herb Peters who made a tremendous contribution during his term. Herb played a significant role on mobility of lawyers as well a with the real estate protocol. He provided wise guidance to staff and to myself. Herb also continued bit of a Manitoba tradition with his effective work at the national and western levels. His significan contribution helped prod the other societies to work together for the benefit of the public and the profession across the country.

Lori Spivak and I worked closely together on Bencher and Federation matters, as well as the committee work. She was on top of all the issues from the start and always had a contribution that helped us get to where we should be going. She is going to be great as President.

I have great respect for the Benchers with whom I have had the privilege to work. We have collectively accomplished a tremendous amount over the last eight years. There is a fine collection legal wisdom and common sense around the table. There is also a fine collection of wisdom from th non-lawyer Lay Benchers who serve the profession. It is a demanding role and there is little recognition of what they do for us. By bringing the public perception to our meetings they remind u of the broad interests that we are here to protect. I'd like to thank the four current Lay Benchers for what they have done for us.

Charlie Curtis was for many years the Deputy Minister of Finance and continues to work as a consultant to the Minister of Finance. He has been a valued long term member of our Investment Committee, which he chairs, and our CEO Evaluation Committee and CEO Budget Advisory Committee. He has also served on Insurance, Reimbursement and Discipline. His tremendous financial skills and acumen and his background in management are a great resource. In his four yea with us I had great respect for his incisive comments and his evaluations.

Dr. Claudia Wright is the Dean of Social Sciences and a professor of political studies at the University of Winnipeg. She has been a valued member of our Admissions and Education Committee where she is a tremendous contributor with her background in education and administration. She has served on a number of other committees including Reimbursement, Equity, Complaints, Discipline, and as our representative to the Manitoba Law School Foundation. Her ver principled approach to issues reminds us of the basic principles that we are considering when we sometimes get a little too tangled up in the minutiae. (Can you imagine a group of lawyers getting bogged down in detail?) She has been a Lay Bencher for the last six years. Claudia makes us think about what the public wants. She is also an avid orchid grower.

Bill Burns became a Lay Bencher in December of 1997. He is a realtor with Royal Lepage on Corydon. He has been in the business for over forty years and is a Past President of the Winnipeg Real Estate Board and of the Manitoba Real Estate Association. His contributions to the industry have been so valuable that the Winnipeg Real Estate Board has a 'Bill Burns Above and Beyond Award' which is awarded only to those whose contribution has been exceptional. I can personally attest to his skill as a realtor as I have used his services. Bill has a very commonsensical approach t issues and a great sense of humour. His contribution has been as a member of the Insurance, Conveyancing Practices, Discipline and Complaints Committees.

Paul Moist became a Lay Bencher in April. He is on our Reimbursement Committee. While he is a relative newcomer, it is clear he will have an impact. Paul is President of CUPE local 500, representing 5500 City of Winnipeg workers. He is Vice-Chair of the MPIC Board. He is a director of the Winnipeg Library Foundation, The Community Ownership Corporation, the Misericordia Health Centre and is Co-Chair of the Premier's Economic Advisory Council.

We have always made a point of having Lay Benchers serve on Complaints and Discipline to make sure that the public view is always represented. The work of the Lay Benchers over the years has done us all a great service.

I'd also like to thank all of our volunteers. The Benchers and staff could never accomplish all that needs to be done without the contributions and expertise of those of you who so graciously help us

out.

Finally, I'd like to thank all the staff. They were great to work with and did a fine job. In particular, I'd like to thank Allan and Marilyn, with whom I spent a lot of time on both local and National matters. I was impressed by their effort and ability which is clearly reflected in how well the Law Society is working. Costs are way down. We are doing more, with fewer staff. Our Complaints Department is resolving a lot of problems quickly, to the satisfaction of the members and the public Our CLE programs are well attended and well regarded. Our Audit Department has greatly reduced costs to members by things like the self report on Trust accounts. Our Insurance Department programs are working to remove potential problems before they turn into trouble. They are serving all of us well.

Thanks.

Benchers' Meeting Highlights

Allan Fineblit, Q.C.
Chief Executive Officer

The Benchers of the Law Society of Manitoba met on May 23, 2002. Here are some of the exciting things that happened:

- President **Tim Killeen** welcomed five new Benchers who were elected on May 1st: **Randy McNicol**, **David Kroft**, **Rob Kozak**, **Bill Gange** and **Jeff Hirsch**. Tim also welcomed **Doug Bedford** to the meeting and noted that Doug will return as a Bencher next May when the President becomes a Life Bencher.

- Tim reported on the activities being undertaken by the Federation of Law Societies and reflected on his year as President. Uncharacteristically, Tim said many nice things about man people, although no actual hugging took place.

- Benchers received a report on a joint venture with the Law Society of Alberta to develop a common skills-based Bar Admission Course that will facilitate mobility and incorporate modern distance education techniques. **Sheila Redel** has been appointed Project Director for the two-year development phase and **Brenda Silver** will replace Sheila as Director of Professional Education during that period.

- Benchers approved **new advertising rules** recommended by the Practice and Ethics Committee that removed the prohibition against the use of testimonials and deleted the prohibition against claiming to be a "leader" or an "established" or "experienced" practitione (The prohibition against claiming to be an expert or specialist remains for now, but will be reviewed in the context of consideration of a specialist designation process.)

- Benchers approved changes to Chapter 11, Commentary 8 of the Code of Professional Conduct to permit the payment of **referral fees** to other lawyers in certain circumstances.

- Benchers received a report on the **insurance levy** for the 2002/03 year and noted with deligh

that the levy will be reduced by 15% to $925. A debate took place about whether new Past President Tim Killeen or new President Lori Spivak should take credit for the good news.

- Benchers were informed that the Province has introduced amendments to The Partnership Ac and facilitating amendments to The Law Society Act to permit some professionals (including lawyers) to form **limited liability partnerships**. The legislation will permit only "partial shield" LL.P.s, protecting innocent partners from liability for the errors and omissions of thei other partners but not from other partnership obligations, for example rent. (Watch for a CLE program just before the legislation is proclaimed, which assuming it passes in this session, w likely be in the fall.) The legislation was developed in consultation with the Law Society to ensure public protection would not be eroded and comes about in part from the serious lobbying efforts of several professional organizations, including the Manitoba Bar Associatic and especially the hard work of the Manitoba Institute of Charted Accountants.

- Past President **Herb Peters** performed his last official act as Past President and reported as Chair of the Nominating Committee. He thanked his Committee of **Tim Killeen**, **Lori Spiva Doug Bedford**, **Jon Van der Krabben**, **Harvey Secter** and **Keith Labossiere**.

  The Committee nominated Vice-President Lori Spivak as the sole nominee for the position o President. There were no more nominations and Lori was acclaimed as the 82nd President of the Law Society of Manitoba amid much cheering and hoopla.

- Herb put forward on behalf of the Nominating Committee two Benchers who had agreed to l their names go forward for consideration as Vice-President, **Paul Jensen** and **Patrick Riley**. Patrick Riley was elected Vice-President of the Law Society of Manitoba and Paul looked immensely relieved.

- Herb then put forward the names of Benchers and volunteers to serve on various Law Society committees as recommended by the Nominating Committee. The following names were put forward as Chairs and Vice-Chairs: **Garth Smorang** to Chair the Admissions and Education Commitee and **Gord Hoeschen** as Vice-Chair; **Bill Johnston** to serve as Chair of the Complaints Investigation Committee and **Jon Van der Krabben** as Vice-Chair; **Pat Fraser** serve as Chair of the Equity Committee and Vice-Chair of Discipline; **Paul Jensen** to serve a Chair of the Discipline Committee; **Bill Haight** to serve as Chair of the Practice and Ethics Committee; **Sid Green** to serve as Chair of the Professional Liability Claims Fund (Insuranc Committee; and **Al Semchuk** to serve as Chair of the Reimbursement Claims Fund Committee. The recommendations of the Committee were approved by Benchers.

- Benchers considered a draft report on **mobility** prepared by the Federation of Law Societies' Mobility Task Force. The report proposes a model to allow lawyers in good standing in one Canadian jurisdiction (except Quebec which will have a more limited mobility regime) to practise on a significantly expanded temporary basis in any other Canadian jurisdiction (up t a maximum of 100 working days a year) and creates a new model to make it much easier to get called to the Bar on a permanent basis in another jurisdiction (no transfer exam will be required). The Benchers approved this report in principle. A final report will be considered at the Federation of Law Societies' meeting in August and will subsequently come back to the Benchers for final approval.

- Life Bencher Certificates were awarded to **Gord Bates** and **Tim Killeen**. It was noted by Lo Spivak that this was Gord's last meeting and Lay Bencher **Bill Burns** told his favourite Gord

Bates story (which, of course, cannot be repeated!).

- Past President Killeen noted it was Herb Peters' last meeting as a Bencher and thanked Herb for his friendship and support and noted in particular his incredible contribution to public protection in developing the Western Conveyancing Protocol.

The Equity Ombudsperson's First Six Months

Brenlee Carrington Trepel
Equity Ombudsperson

As Equity Ombudsperson, I've had an insightful, inspiring first six months!

Since this service began in November 2001, I've written a number of articles both for The Law Society of Manitoba's Communique and for the Manitoba Bar Association's Headnotes and Footnotes. I'm always open to suggestions f future columns you'd find helpful on discrimination and harassment.

I receive telephone calls, letters and e-mails on a wide range of equity issues. course, I'm bound by the inherent confidentiality of the program and so unles have the express consent of those who contact me, I can't give specific details.

What I can tell you is that harassment and discrimination do exist within Manitoba's legal professi and that there are a number of courageous people who are sufficiently concerned to call me to discuss their problems .

I've had lengthy phone conversations, acting as a sounding board for people in some difficult situations. I tell them that although I can't provide legal advice, I can outline possible options and solutions for them, including my helping to resolve an issue informally.

As my counterparts have also discovered, sometimes callers just want a neutral, confidential perso to listen to them.

So far, I've received a number of questions concerning equity policies and initiatives. I commend those firms, such as Smith Neufeld Jodoin, which have implemented non-discrimination and non-harassment policies. If there's an equity policy or initiative at your firm which you'd like me to publicize, please let me know.

I'm always available to consult and assist in developing documents and programs, as well as to discuss and assist with internal complaints. Model policies can be found at the Law Society of Manitoba's website at www.lawsociety.mb.ca.

A call to the Equity Ombudsperson is not a call to the Law Society. I cannot divulge information shared with me without the express consent of the complainant.

Speaking engagements and educational seminars are a key component of my mandate. Like all of t program's other services, these too are provided free of charge.

I spent a hectic, rewarding Sunday at the Law Courts Building for Law Day, talking with a broad cross-section of Manitobans. I spoke at the MBA Mid-Winter Meeting Awards Luncheon, and to a high school class at Balmoral Hall. I moderated a panel on sexual misconduct in the workplace for Aish Hatorah and participated on a panel for the Immigrant Women's Association and LEAF discussing equality and the law.

I've just returned from Edmonton, where I attended the Third Annual Law Society Ombuds Meetin My counterparts from Alberta, British Columbia, Ontario, Nova Scotia and Saskatchewan are important resources. It was a great learning experience to meet with them all together for the first time.

A concise brochure about the Equity Ombudsperson program has been developed and I distribute tl brochure as a reference tool. There is also an Equity Ombudsperson section on the Law Society of Manitoba website.

Sincere thanks to members of the judiciary, and of the Bar, who take the time to give me feedback. listen carefully to everything that's said. Your comments are invaluable to the program. The positiv feedback received is greatly appreciated.

From the response during the past half year, I've seen firsthand that Manitoba has many lawyers wl are committed to the concept of equity in the legal workplace. I'm honoured to be working in this position. A well-respected practitioner told me in response to a recent column on articling interviews: "It's great to be reminded of what the rules are."

The confidential, neutral Equity Ombudsperson service is provided free of charge, through funding provided by the Law Society of Manitoba. If, as a lawyer, student, support staff member or client o the legal profession, you have a concern about discrimination or harassment, or if you'd like me to assist in drafting any policies, to consult on issues, or to provide education, please don't hesitate to contact me confidentially by phone in Winnipeg at 942-2002, or toll free from anywhere in Manitol at 1-866-771-2002, by mail at P.O Box 2555-Station Main, Winnipeg, R3C 4B3, by e-mail at brenleecarrington@shaw.ca or by fax at 474-1161.

By working together, we can help to ensure that all men and women participate fully in Manitoba's legal profession.

Membership Changes

The following members have voluntarily changed their status as indicated on the dates shown:

Practising to Inactive
March 31, 2002 William E. Harrison
April 1, 2002 Janet Baldwin
April 1, 2002 Pascale-Sonia Roy
April 1, 2002 Leslie B. Kaufman
April 15, 2002 John H. Restall
May 1, 2002 David W. Jacyk
May 3, 2002 Peter Murdock

May 23, 2002 Christopher Tugwell
May 31, 2002 Colleen McDuff

Non-Practising to Practising
May 6, 2002 David Andrews
May 15, 2002 Dorothy D. Tanaka

Inactive to Practising
April 15, 2002Donald M. Hewak
May 22, 2002 Sidney Laviolette
May 6, 2002 Bonnie L. Gembey

Practising to Non-Practising
March 1,2002 Gabrielle Battiste
April 1, 2002 Tanner Elton
April 1, 2002 Robert Bunn
April 1, 2002 John Holden
April 1, 2002 Kerry Reimer
April 15, 2002 Caroline Kiva
May 25, 2002 Susan N. Kennedy
May 28, 2002 Grant H. Nerbas

Correction
The April, 2002 Bencher Bulletin erroneously indicated that Monica Muller changed from Non-Practising to Practising status. Please note that Ms. Muller remains a Non-Practising member of the Law Society.

In Memoriam

Roderick Oliver Alexander Hunter passed away on December 2, 2001 at the age of 85. Mr. Hunt received his call to the Bar on July 9, 1942 in naval uniform and was admitted as a solicitor on October 24, 1945. Mr. Hunter worked for 25 years with Great-West Life Assurance Company and finished his career with James Richardson and Sons. In 1978 he was elected Chancellor of the University of Winnipeg.

David Isadore Victor, Q.C. passed away on January 29, 2002 at the age of 77. Mr. Victor received his call to the Bar on October 11, 1949. During his career in law, Mr. Victor served as legal counse to the Ombudsman and then as legal counsel to the Agricultural Credit Corporation. Mr. Victor retired from practising law in 1992. Mr. Victor was appointed Queen's Counsel in December, 1975 Mr. Victor served on numerous community committees, including the Winnipeg Jewish Youth Council, vice-president of the Canadian Jewish Congress, chairman of the Winnipeg Congress Council, founding member of the Winnipeg Board of Jewish Education and member of the Jewish Heritage Centre.

Samuel Richard Miles passed away on March 14, 2002 at the age of 89. Mr. Miles received his ca to the Bar on December 2, 1936. He did post graduate work at Columbia University and then returned to Winnipeg where he practised law and was in business.

Thomas William Hadaller passed away on March 20, 2002 at the age of 50. Mr. Hadaller received his call to the Bar on June 25, 1981. Mr. Hadaller practised law privately for 11 years and then joined the Department of Justice, Court Information Services in 1993, where he was employed until his death.

Election Results

The following Benchers were elected in the election which was held on May 1, 2002:

City of Winnipeg Electoral District
Lori T. Spivak
Randolph B. McNicol, Q.C.
Garth H. Smorang, Q.C.
Sidney Green, Q.C.
David J. Kroft
William G. Haight
William S. Gange
Paul L. Jensen
G. Patrick S. Riley
Jeffrey B. Hirsch

Northern Electoral District
Robert M. Kozak

Central Electoral District
Gordon J. Hoeschen

Eastern Electoral District
Jon W. N. Van der Krabben

Western Electoral District
Patricia L. Fraser
William R. Johnston

Dauphin Electoral District
Alan J. Semchuk

There were 1,759 names on the voting list.
There were 899 ballots cast.

Fifteen were rejected for the following reasons:

- Three incomplete voting declarations or no voting declaration;
- One voted for too many;
- Eleven arrived late.

Insurance Claims Over $1 Million

Tana Christianson
Director of Insurance

The Law Society of Manitoba Professional Liability Claims Fund provides every insured lawyer with $1 Million of coverage per claim, with an aggregate coverage of $2 Million per lawyer per ye This year, that mandatory coverage will cost insured lawyers $925.00.

Even though the number of claims against lawyers has decreased in the past two years, the severity of individual claims has increased. In Manitoba, although we have yet to pay out a claim over $1 million, we did pay over $600,000.00 on five separate claims in the 1990's. Insurance Programs in other Provinces have paid claims over $1 million in recent years.

One large claim could easily erode your primary coverage of $1 million, leaving you and your partners exposed to significant personal liability. Defence costs, which can be quite significant in a trial of any length, do reduce the $1 million limit. It's not just your own activities which can affect your insurance limits. Claims relating to partners, associates and employees, both past and present, may erode your existing insurance coverage limits.

You should consider whether or not your own insurance limits are adequate. Be sure to consider th nature, size and frequency of the transaction and litigation, the potential impact on the client and whether the insurance currently held by your former partners and former employees is adequate an includes their past activities.

Because excess insurance policies operate on a "claims made" basis, the excess insurance you purchase today protects you against errors made in the past (but currently unknown to you). Coverage is triggered not when the work was done but when the claim is known to the Insured and reported to the Insurer.

CLIA's Excess Insurance Applications are available from Bonnie Harvey of our office at 926-2026

Defence of Money Laundering Charges

The Policy of Insurance #15003 which comes into effect July 1, 2002 will now include a provision reimbursing an Insured for all reasonable defence costs incurred in the successful defence of prosecution of an offence under the Proceeds of Crime (Money Laundering) and Tariffs Financing Act. This new provision will be included as Exclusion 3.6.2.

Focus on Residential Real Estate

Marilyn Billinkoff
Deputy Chief Executive Officer

The Bank of Montreal's Home Closing Services program offered through First Canadian Title has been cancelled. The program offered what the Bank called a one stop closing solution for purchaser that included legal representation, legal fees and disbursements, title insurance and a closing cost deferral option all for a fixed cost ($539 plus registration fees and taxes in Manitoba). The Bank of Montreal was to earn a referral fee from First Canadian Title for each purchaser who signed on to tl Home Closing Services program. Some Western law societies expressed concerns about the independence of lawyers representing the purchaser, the Bank of Montreal and First Canadian Title and that under the program consumers might not receive independent legal advice about whether or not they should purchase a title insurance policy. In November, 2001 the Law Society of Manitoba complained to the Superintendent of Insurance in Manitoba that the payment of the referral fee by First Canadian Title and its acceptance by the Bank of Montreal as well the Bank's involvement in the commitment to buy title insurance were activities that contravened The Insurance Act of Manitoba. The Society also complained to the Superintendent of Financial Institutions in Ottawa th the Bank's promotion of First Canadian Title, its acceptance of referral fees and its facilitation of th commitment to buy title insurance offended The Bank Act and The Insurance Business (Banks) Regulations. Officials with the Office of the Superintendent of Financial Institutions in Ottawa hav confirmed to the Society that in their opinion the home closing program offered by the Bank throug First Canadian Title was in breach of The Bank Act and that the Bank had been advised accordingl In early March the Bank of Montreal cancelled the home closing services program.

As a result of the cancellation of the program the Superintendent of Financial Institutions has determined that it will take no further action. In Manitoba, the complaint filed with the Superintendent of Insurance remains under active investigation.

GE Capital Approves Conveyancing Protocol

GE Capital Mortgage Insurance Canada has confirmed its acceptance of Protocol closings in Manitoba, Saskatchewan, Alberta and British Columbia. GE Capital Canada, together with its relat affiliates, is the largest private sector mortgage insurance company in the world and the only privat sector supplier of mortgage insurance in Canada.

Amended First Canadian Title Lawyer's Procedure Guide Cause for Concern

First Canadian Title recently amended its home closing services program so that lawyers no longer act on behalf of First Canadian Title. The lawyer will now act for the vendor or the purchaser and tl lender.

The amended Procedure Guide also contains the following paragraph:

"On occasion the lawyer will be retained by the client to act on his or her behalf with respect to a residential sale transaction. The client will request an all inclusive fee of $350 which will include a disbursements other than the G.S.T. Of this sum, a $25 disbursement will be paid to First Canadian Title for the collection of information from the client that is provided to the lawyer and for the information provided to the client by First Canadian Title."

The Law Society of Manitoba has concerns about the legality and appropriateness of the $25 disbursement being charged to the client on behalf of First Canadian Title. The Society has written the Manitoba Superintendent of Insurance suggesting that First Canadian Title does not have the right to charge a fee for the collection of and provision of information, particularly in a scenario where no title insurance policy is being purchased. In the Society's view payment of the

disbursement is a violation of The Insurance Act because the fee charged is not stipulated in a contract of insurance and is therefore an unfair or deceptive act in contravention of s. 113(1)(g) of The Insurance Act.

Additionally, members should be aware that the payment of the $25 fee to First Canadian Title mig be characterized as a referral fee and therefore contrary to Chapter 11, paragraph 9 of the Code of Professional Conduct, which prohibits members from paying referral fees to non-lawyers. The Cod states:

"Sharing fees with non-lawyer 9. Any arrangements whereby the lawyer directly or indirectly share splits or divides fees with notaries public, law students, clerks or other non-lawyers who bring or refer business to the lawyer's office is improper. It is also improper for the lawyer to give any financial or other reward to such persons for referring business."

Alberta Bar Concerned About New Scotiabank Mortgage

The North and South Alberta Real Estate Sections of the Alberta branch of the Canadian Bar Association have written to the Bank of Nova Scotia expressing concern about the Scotia Cut Your Closing Costs Mortgage. The product is available to purchasers who receive financing approval for five year or longer closed term fixed rate mortgage at posted rates. The program is administered by First Canadian Title. Literature published by the Bank states that "this innovative new mortgage product has been designed to provide inexperienced home buyers with a completely worry free hon closing experience". Under the program the Bank pays all standard legal fees and disbursements, al fees for the registration of the mortgage and title transfer, all land transfer taxes, and for the cost of title insurance policy issued by First Canadian Title. The property appraisal fee or mortgage insurance application fee is also waived and a cash rebate is payable on closing. In promoting the title insurance component of the service, the Bank's literature states that "title insurance can also save the purchaser the cost of obtaining a new survey, which is often required to verify the property boundaries, and identify easements, rights-of-way or encroachments on the property". The letter se to the Bank of Nova Scotia expresses concern that the program, much like the defunct Bank of Montreal Home Closing Services Program, is in breach of The Bank Act and its regulations. The letter also takes issue with Bank materials that promote title insurance over surveys. The Alberta letter also suggests that the Bank's material is misleading with respect to its discussion of various cost savings afforded to consumers. Potential Competition Act breaches are also noted.

Members of the Law Society of Manitoba wishing to obtain a copy of the letter should contact Marilyn Billinkoff at 926-2010.

Summer Fun Contests

Allan Fineblit, Q.C.
Chief Executive Officer

When I get a call from my kids' school it always begins like this: "This is Principal Skinner calling Your kids are fine. Your kids are fine." She says that up front and twice because she knows that when I hear that my children's principal is on the line my heart will instantly sink with panic. I've noted a similar phenomenon when I phone lawyers unexpectedly, but for perfectly innocuous

purposes. It often creates a mini-panic, kind of a "what did I do?" reaction. I've noticed the reactior only occurs among the truly pure of heart – those who in my humble opinion could have nothing bu charity, kindness and good deeds on their conscience. So it is, in short, an irrational fear. I need a name for it. You know how all those other irrational fears have great names like claustrophobia, xenophobia and arachnophobia? I need a name for the irrational fear of the Law Society. So send m your contest entries by phone (926-2014), fax (956-0624) or email (afineblit@lawsociety.mb.ca). C course a letter would be nice too.

...as if that isn't enough of a challenge, Past President Herb Peters in reference to his real estate practice started calling himself a "dirt lawyer" president. Not to be outdone, Past President Tim Killeen, referring to his specialized criminal practice, decided to call himself our "dope lawyer" president. So what are we going to call Lori who practices administrative law and civil litigation? Send your suggestions as above. And as always, there are valuable prizes!

Many Thanks

The Complaints Investigation Committee wishes to express its sincere thanks to members of the profession who volunteered their time to conduct Practice Reviews and to prepare the necessary reports for the Committee's consideration. The Committee recognizes that the practice of law is demanding and appreciates the invaluable contribution of these practitioners' time.

Chapter 15 of the Code of Professional Conduct states that: "The lawyer should assist in maintainir the integrity of the profession and should participate in its activities." The Committee's volunteers have done just that! Many thanks to Lori Ainemer, Dennis Baczynsky, Norman Yusim and Sandra Hoeppner.

The Society of Manitoba also wishes to thank the following members who have been involved in fe arbitrations as a member of a Legal Fees Advisory Committee within the past year:

Anu Osborne
Charles Chappell
Chrys Pappas, Q.C.
Cyril Labman
David King
David Marr
David Skwark
Donald Brock
Douglas Bedford
Douglas Johnston
Elliott Goszer
George Chapman, Q.C.
Jack King
Jack McJannet, Q.C
Jacob Janzen
Jay Prober
Jeffrey Harris
Judith Blair
Len Fishman
Lori Douglas
Marianne Rivoalen
Melanie Lautt
Michael Cook
Norman Sims, Q.C.
Norman Yusim
Raymond Flett, Q.C.
Rheal Teffaine
Richard Handlon
Roger King, Q.C.
Roland Rivalin, Q.C.
Sandra Kliman
Stephen Vincent
Walter Thiessen
Wayne Jackiew
William Doyle

Lawrence Donald William Johnston

Notice of Annual General Meeting and Benchers' Meeting

The **Annual Meeting** of the Benchers of the Law Society of Manitoba will be held on **Thursday, June 27, 2002 at 1:00 p.m.** in the Society's classroom, 219 Kennedy Street, Winnipeg, Manitoba.

The **next meeting of the Benchers** of the Law Society of Manitoba will be held on **Thursday, Jun 27, 2002 immediately following the Annual Meeting** of the Benchers in the Society's classroom, 219 Kennedy Street, Winnipeg, Manitoba. Members of the Society are encouraged to attend and participate in the deliberations of the governing body.

Reminder to the Profession:

Advising the Law Society when opening a trust account

Recently, several members have opened trust accounts without notifying the Law Society. Member are reminded that they must notify the Society in writing of the existence of a trust account, within 30 days of opening it and provide the Society with the account number and the name and branch of the savings institution. Members must also select a trust year end date of either June 30th or December 31st. This information is required to enable the Law Society to open an audit file and advise the member about his or her Annual Trust Account filing requirements.

A member is required to direct his or her bank to remit any interest earned on a pooled trust accoun to the Manitoba Law Foundation. In addition to filing the Letter of Direction with their bank, the member is responsible for forwarding a copy of the Letter of Direction to the Manitoba Law Foundation and the Law Society.

Members are encouraged to contact any of the Society's Auditors if they have questions about the Society's record keeping requirements, or wish to receive any advice or input from the Auditors on the appropriateness of their accounting system.

New Law Society President

Lori Spivak, a partner with Aikins MacAulay & Thorvaldson, was elected President of the Law Society of Manitoba on May 23, 2002. Lori practises in the area of civil litigation and administrative law and has been a Bencher since 1996.

New Vice-President Patrick Riley

On May 23, 2002, G. Patrick Riley was elected Vice-President of the Law Society of Manitoba. Patrick is a partner with Taylor McCaffrey and was called to the Manitoba Bar in 1977.

Notice to the Profession

From: Allan Fineblit, Q.C.
Date: May 27, 2002
Re: Money Laundering Legislation

On the 30th day of May, 2002 the Law Society of Manitoba and our national body, The Federation of Law Societies of Canada, obtained a Consent Order from the Manitoba Court of Queen's Bench which grants an interlocutory injunction exempting Manitoba lawyers from the application of the Proceeds of Crime (Money Laundering) Act, S.C. 2000 c. 17, as amended, (the "Act") and the Proceeds of Crime (Money Laundering) Suspicious Transaction Reporting Regulations, SOR/2001-317 (the "Regulations").

The Attorney General of Canada and the Federation of Law Societies of Canada have agreed to allow a petition filed in the British Columbia Supreme Court to serve as a test case for the purpose determining the ultimate constitutionality of those provisions of the Act and Regulations that requi lawyers to report the "suspicious transactions" of their clients.

The interlocutory injunction will remain in place until a hearing on the merits can be heard in the B.C. Supreme Court. If the Federation is successful, the Attorney General will consent to continue the injunction until the B.C. Court of Appeal disposes of any appeal by the Attorney General. Shou the B.C. Court of Appeal dismiss any appeal by the Attorney General, the Attorney General will consent to continue the interlocutory injunction pending an application by the Attorney General to the Supreme Court of Canada for leave to appeal and if leave is granted, pending the final dispositi of the proceedings by the Supreme Court of Canada.

If you require further information or a copy of the Order, contact Kris Dangerfield, General Counse Law Society of Manitoba, at 926-2013.

Notice to the Profession

From: Legal Aid Manitoba.
Date: April, 2002
Re: Process Serving Contracts

Effective April 22, 2002, Legal Aid Manitoba has entered into process serving contracts with the following two firms:

1. OYA – Oliver, Yaskiw & Associates Inc.
Contact: Bob Fowle
Phone: (204) 942-8002
Fax: (204) 942-8220

2. Alex LaRocque
Phone: (204) 931-9217
Fax: (204) 237-9169

Icon (Russell Wood) has given notice effective April 22, 2002. Where process serving by the Sheriff's Office is not available, law firms serving documents on legal aid matters should use the services of either of the above.

Please call Marilyn Bousquet of our Admin office at (204) 985-8526 to have a fee schedule faxed t you.

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